



## U.S. Department of Justice

United States Attorney  
Southern District of New York

**MEMO ENDORSED**

86 Chambers Street  
New York, New York 10007

February 8, 2022

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Via ECF

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Martinez v. United States of America et al.*, 20 Civ. 7275 (VEC)

Dear Judge Caproni:

This Office represents the United States of America, along with remaining individual federal defendants Robert Beaudouin, M.D., and Mandeep Singh, P.A. (the “Federal Defendants”) in the above-referenced action filed by Plaintiff Richard Martinez (“Plaintiff”). The other remaining defendants in this matter are the GEO Group, Inc., the Brooklyn Hospital Center, and Phillip McPherson, M.D.

The Federal Defendants write respectfully to request that the Court stay this matter until a personal representative has been appointed on behalf of Plaintiff, and possibly longer if circumstances warrant.

As Plaintiff’s counsel previously advised the Court, *see* Dkt. No. 107, Plaintiff has passed away. Consequently, the parties were unable to engage in a settlement conference that had been scheduled before Judge Moses. *See* Dkt. No. 108. Moreover, a new action to be consolidated with this one, amendments to the pleadings, and/or further administrative process under the Federal Tort Claims Act will likely be required as a result of Plaintiff’s death.

The Federal Defendants’ answers are currently due on February 10, 2022. *See* Dkt. No. 105. In order to permit adequate time for a personal representative to be appointed for Plaintiff, and for such other proceedings as may be necessary, the Federal Defendants respectfully request that Court enter a stay of all proceedings this matter, including the answer deadline.

Plaintiff’s counsel provided the following position: “Plaintiff consents and agrees to a stay in this matter only until such time as a personal representative is appointed. Plaintiff does not anticipate needing to await a new administrative process or the filing of a new action.”

This is the Federal Defendants’ first request to stay the case. The Court previously granted several requests by the Federal Defendants to extend answer deadlines following the Court’s Opinion and Order dated September 16, 2021. *See* Dkt. Nos. 97, 101, 105.

Thank you for your consideration of this matter.

Respectfully submitted,

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United States Attorney

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cc: Counsel of record (via ECF)

Application GRANTED. This case is hereby STAYED until a personal representative has been appointed on behalf of Plaintiff. Plaintiff's counsel is directed to file a status update regarding the appointment of a personal representative with the Court every quarter or promptly after a personal representative has been appointed, beginning on July 1, 2022.

SO ORDERED.



2/9/22

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE